

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
SOUTHEASTERN DIVISION**

Henry Holyfield and Tara Holyfield,

Plaintiffs,

v.

Chevron U.S.A. Inc., Syngenta Crop  
Protection, LLC, Syngenta Corporation, and  
Syngenta AG

Defendants.

33<sup>rd</sup> Judicial Circuit Court  
Scott County, Missouri  
Cause No. 20SO-CV00885

U.S.D.C. Case No.:  
1:20-cv-00165

**NOTICE OF REMOVAL**

Defendants Chevron U.S.A. Inc., Syngenta Crop Protection, LLC, Syngenta Corporation, and Syngenta AG remove the above-captioned matter from the Circuit Court of Scott County, Missouri, bearing case number 20SO-CV00885 (the “Circuit Court Action”), to the United States District Court for the Eastern District of Missouri pursuant to 28 U.S.C. §§ 1332, 1441 and 1446. In further support of removal, Defendants state as follows:

**BACKGROUND**

1. Plaintiffs Henry Holyfield and Tara Holyfield filed their Petition on July 22, 2020, asserting common-law personal injury claims. Plaintiffs allege that Mr. Holyfield was exposed to an herbicide manufactured and/or sold by Defendants, which allegedly caused or contributed to his diagnosis of Parkinson’s disease.

2. At the moment, no Defendant has been served with the Petition. However, Defendants received a copy of the Petition on July 24, 2020.

### **JURISDICTION**

3. This action is removable pursuant to 28 U.S.C. §§ 1441 and 1446 because diversity jurisdiction exists under 28 U.S.C. § 1332.

#### **A. Amount in Controversy.**

4. The alleged injury in this action is Parkinson's disease, which is a degenerative neurological condition that can significantly impair a person's quality of life. Plaintiffs are seeking monetary damages for "past and future physical pain, mental and emotional distress[,] ... past and future loss of wages and/or earning capacity[,] and ... medical expenses for medical treatment, medication and medical devices." *See* Pet. ¶¶ 27, 33, 40, 50, 54. Plaintiffs are also seeking punitive damages. *Id.* ¶¶ 28, 34, 41, 51, 55.

5. Such damages, if awarded, would surely exceed \$75,000.00, exclusive of interest and costs.

#### **B. Diversity of Citizenship.**

6. Plaintiffs' Petition states that they are each residents and citizens of Missouri. *See id.* ¶¶ 1, 2.

7. Defendant Chevron U.S.A. Inc. is a Pennsylvania corporation with its principal place of business at 6001 Bollinger Canyon Road, San Ramon, CA.

8. Defendant Syngenta Crop Protection, LLC is a Delaware limited liability company with its principal place of business at 410 Swing Road Greensboro, NC 27409.<sup>1</sup>

9. Defendant Syngenta Corporation is a Delaware corporation with its principal place of business at 3411 Silverside Road, Wilmington, DE.

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<sup>1</sup> Plaintiffs' allegation that Syngenta Crop Protection, LLC's "principal office address [is] at 1209 Orange Street, Wilmington, Delaware," *id.* ¶ 5, is incorrect. This mistake has no effect on the availability of diversity jurisdiction or on Defendants' removal rights.

10. Defendant Syngenta AG is a foreign corporation with its principal place of business in Basel, Switzerland.

11. There is complete diversity because no defendant is a citizen of Missouri.

### **VENUE**

12. Removal is made to this Court in accordance with 28 U.S.C. §§ 1441(a) and 1446(a). Venue is proper in this district because the action is currently pending in the Circuit Court of Scott County, Missouri, which is within the Eastern District of Missouri.

### **TIMELINESS AND CONSENT**

13. Although no Defendant has been served with the Petition, they received a copy of it on July 24, 2020.

14. This removal has been timely filed within thirty days of Defendants' receipt of the Petition, in accordance with 28 U.S.C. § 1446(b)(1).

15. All defendants have joined in this removal pursuant to 28 U.S.C. § 1446(b)(2)(A).

### **NOTICE**

16. In compliance with 28 U.S.C. § 1446(a) and Local Rule 2.03, Defendants attach to this Notice of Removal a copy of the complete file from the Circuit Court Action and the current Circuit Court docket sheet. *See* attached Exhibit A.

17. In compliance with 28 U.S.C. § 1446(d), Defendants will file and serve notice of this removal to Plaintiffs, and will file a copy of this notice with the clerk of the Circuit Court of Scott County, Missouri.

### **OTHER PROCEDURAL MATTERS AND REQUIREMENTS**

18. Nothing in this Notice of Removal shall be interpreted to waive Defendant's right to assert any defense, counterclaim, affirmative matter, and/or motions that are otherwise available to it without limitation.

19. No admission of any fact, allegation, claim or wrongdoing relating to the Petition is intended by this Notice of Removal.

20. Defendants reserve the right to submit additional evidence in support of the Notice of Removal, including, but not limited to, any evidence that may be necessary to address or refute any contentions set forth in a motion to remand.

21. This Notice of Removal is signed pursuant to Fed. R. Civ. P. 11 and 28 U.S.C. § 1446(a).

**WHEREFORE**, Defendants respectfully remove this action to this Court from the Circuit Court of Scott County, Missouri.

DATED: July 29, 2020

Respectfully submitted,

/s/ Michael J. Nester  
Michael J. Nester, # 4914MO

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*Attorneys for Defendant Chevron U.S.A. Inc.*

**CERTIFICATE OF SERVICE**

I, Michael J. Nester, an attorney, on oath hereby certify that on July 29, 2020, I electronically filed the foregoing, DEFENDANTS' NOTICE OF REMOVAL, with the Clerk of the United States District Court, Eastern District of Missouri, Southeastern Division, using the Court's ECF filing system. Additionally, I further certify that a copy of the foregoing instrument, DEFENDANTS' NOTICE OF REMOVAL, was also served upon the attorneys of record of all parties to the above-styled case by enclosing same in an envelope addressed to such attorneys at their business address as disclosed by the pleadings of record herein, with postage duly prepaid and by depositing said envelopes in a U.S. Post Office Mail Box in Belleville, Illinois.

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